

**TOWN OF BIG FLATS  
PLANNING BOARD  
MEETING MINUTES**

**MARCH 6, 2012**

**TOWN HALL  
MEETING ROOM  
6:30PM**

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Members Present: Lance Muir, Carl Masler, Angela Piersimoni, Scott Esty, Bob Byland, John Hunter, Dave Seely

Members Absent: Jim Ormiston

Staff: Timothy Gilbert, Brenda Belmonte

Guests: Carl Carson, Mike McConnell, Daniel Panosian, Randy Brigham, Mark DePrimo, Judy DePrimo, James Gensel, James Appier, Carolyn Welliver, Jerry Welliver, Rita Sobus, Joe Sobus, Jason Newton, Charlie Beasley, David Smith

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MINUTES

February 7, 2012

**Motion by Esty, seconded by Seely, to approve the minutes of February 7, 2012, Discussion, None, Motion Carries 5-0 with Piersimoni abstaining.**

PUBLIC HEARING

CJ'S COUNTRY KIDS  
PRELIMINARY SUBDIVISION  
259 DANIEL ZENKER DR  
TAX PARCEL 66.02-2-31.171

Chair Muir opened the public hearing at 6:31pm, noting it had been duly published in the Star Gazette.

Speaking for: None

Speaking against: None

Public hearing closed at 6:32pm

**RESOLUTION P-2012-5**

CJ Country Kids Subdivision/Final

**Tax Parcel 66.02-2-32.171**

Resolution by: Byland

Seconded by: Masler

**WHEREAS**, this Board has received an application for subdivision review on January 20, 2012; and

**WHEREAS**, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

**WHEREAS**, this Board held a Public Hearing on Preliminary Plan March 6, 2012, at the request of the applicant; and

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

**WHEREAS**, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report dated, January 26, 2012, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

**WHEREAS**, that the Planning Board of the Town of Big Flats has determined, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

**NOW THEREFORE BE IT RESOLVED**, the Planning Board of the Town of Big Flats hereby grants final approval with the following conditions:

- A. The applicant shall submit one (1) Mylar and four (4) paper copies to Code and Planning
- B. The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement
- C. Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code
- D. All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations Governing the Subdivision of Land

CARRIED: AYES: Esty, Muir, Masler, Byland, Seely, Hunter, Piersimoni

NAYS: None

Dated: Tuesday, March 6, 2012

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir  
Chairman, Planning Board  
Lance Muir  
Chairman, Planning Board

**RESOLUTION P-2012-05**

Hickory View Apartments Lot 1

PRELIMINARY/SUBDIVISION

Hickory Grove Road

**Tax Parcel # 57.04-1-7.11/ 58.01-2-27/ 58.01-1-61.2**

Resolution by: Byland  
Seconded by: Seeley

**WHEREAS**, The Town of Big Flats Planning Board has further reviewed an application from Arnot Realty dated Sept 15, 2011, for site plan approval on the above parcels located within the BNR district on February 7, 2012; and

**WHEREAS**, the Town of Big Flats Planning Board has reviewed the site plan at its regular meeting and has evaluated several considerations; and

**WHEREAS**, the Town of Big Flats previously declared itself as lead agency, and that the proposed action is a Type I action pursuant to SEQR 6 NYCRR Part 617.20; and

**WHEREAS**, the Planning Board has considered the Full Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, made via written memoranda to the Planning Board in a staff report dated January, 2012, and the Town of Big Flats engineering review dated February 4, 2012 (which memoranda are incorporated herein by reference and commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action; and

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Type I action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

**FURTHER RESOLVED**, the Town of Big Flats Planning Board accepts the Jan, 2012 Staff Comments, and Fagan engineering review, as finding of fact and grants preliminary site plan approval with the following conditions before a final shall be granted:

- SWPP approval
- Address Fire Department Access Concerns
- Review engineer concerns
- Big Flats DPW concerns

CARRIED: AYES: Muir, Masler, Hunter, Esty, Byland, Seely

**NAYS:** None

Dated: Tues March 6, 2012  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats  
Lance Muir  
Chairman, Planning Board

Discussion:

Jimmie Joe Carl has approved the SWPPP, which contains a contingency plan to ensure a 48-hour drain time (to be met within 60 days of failure).

The Town & Country Fire Department has determined that it will be capable of providing adequate fire service to the proposed development.

Any indication of a local through road will be removed and instead referred to as the main private drive.

WEST SENECA MILENNIUM METER STATION  
PRELIMINARY & FINAL SITE PLAN  
UPSON ROAD  
TAX PARCEL 47.00-1-48.1

**RESOLUTION P-2012-7**  
**West Seneca Meter Station**  
**Tax Parcel 47.00-1-48.1**

Resolution by: Esty  
Seconded by: Masler

**WHEREAS** this Board has received an application for site plan review on January 20, 2012; and

**WHEREAS** the Town of Big Flats Planning Board has reviewed the submitted materials in accordance with Chapter 17.32 of the Town of Big Flats Municipal Code; and

**WHEREAS** the Town of Big Flats Department of Planning has provided a staff report dated February 27, 2012 which has been forwarded to the applicant as the finding of fact through the final review; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact;

**NOW, THEREFORE BE IT RESOLVED** the Town of Big Flats Planning Board grant final conditional site plan approval with the following conditions:

- A. **Updated Final Plan** – The Applicant shall also submit a final site plan with final revisions along with a digital copy in TIF format.
- B. **Signage** – All signage on the property shall comply with Town of Big Flats Municipal Code 17.52 and obtain the appropriate permits from the Town of Big Flats
- C. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 of the Town of Big Flats Municipal Code
- D. **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity
- E. **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws
- F. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan and all utility connections prior to obtaining a certificate of occupancy
- G. **Modification** – Any deviation from the approved site plan requires written approval from the Code and Planning Office, and may require a site plan amendment
- H. **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation
- I. **SPDES NOT (Notice of Termination)** - Applicant shall submit a copy of the notice of termination.

CARRIED: AYES: Esty, Piersimoni, Muir, Masler, Byland, Hunter, Seely

NAYS: None

Dated: Tuesday March 6, 2012

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

**RESOLUTION P-2012-8**

Colonial Drive Hotel

FINAL SITE PLAN

Colonial Drive

**Tax Parcel # 58.01-2-28.1**

Resolution by: Byland

Seconded by: Esty

**WHEREAS**, The Town of Big Flats Planning Board has received an application from Manir Properties for site plan approval on the above parcels located within the BR district on Dec 15, 2011; and

**WHEREAS**, the Town of Big Flats Planning Board has reviewed the site plan at its regular meeting and has evaluated several considerations; and

**WHEREAS**, the proposed action is Type I action pursuant to SEQR 6 NYCRR Part 617.20; and

**WHEREAS**, that the Planning Board of the Town of Big Flats hereby declares itself as lead agency and has notified all agencies involved, pursuant to the provisions of SEQR 6 NYCRR Part 617.20;; and

**WHEREAS**, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Type I action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration on February 7, 2012; and

**FURTHER RESOLVED, FURTHER RESOLVED**, the Town of Big Flats Planning Board accepts the Jan, 2012 Staff Comments and Hunt engineering review, as finding of fact and grants final site plan approval with the following conditions:

- SWPP approval/address review engineer concerns
- As-Built site plan shall be submitted before a final Certificate of occupancy shall be granted, and must include one digital document.
- Remove any reference to a local thru-road on final drawings
- Water Utilities to be brought into district compliant with Big Flats Water Dept/DPW.
- County driveway permit and final approval of new drive.
- 

**CARRIED: AYES:** Muir, Masler, Piersimoni, Esty, Byland, Seely, Hunter

**NAYS:** None

Dated: Tues March 6, 2012

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats  
Lance Muir

Chairman, Planning Board

**RESOLUTION P-2012-9**  
**DePrimo Preliminary Subdivision**  
**Tax Parcel 46.00-3-7**

Resolution by: Esty  
Seconded by: Seely

**WHEREAS**, this Board has received an application for subdivision review on January 18, 2012; and

**WHEREAS**, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

**WHEREAS**, this Board hereby authorizes the Code and Planning to schedule a Public Hearing on Preliminary Plan for April 3, 2012, at the request of the applicant; and

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

**WHEREAS**, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report dated, February 20, 2012, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Muir, Masler, Piersimoni, Esty, Byland, Hunter, Seely

NAYS: None

Dated: Tuesday, March 6, 2012  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats  
Lance Muir  
Chairman, Planning Board

**RESOLUTION P-2012-10**  
**VISIONS HOTEL**

## PRELIMINARY SITE PLAN

Colonial Drive

**Tax Parcel # 58.01-2-35.31**

Resolution by: Piersimoni

Seconded by: Seely

**WHEREAS**, The Town of Big Flats Planning Board has received an application from Manir Properties for site plan approval on the above parcels located within the BR district on Jan 20, 2012; and

**WHEREAS**, the Town of Big Flats Planning Board has reviewed the site plan at its regular meeting and has evaluated several considerations; and

**WHEREAS**, the proposed action is Type I action pursuant to SEQR 6 NYCRR Part 617.20; and

**WHEREAS**, that the Planning Board of the Town of Big Flats hereby declares itself as lead agency and has notified all agencies involved, pursuant to the provisions of SEQR 6 NYCRR Part 617.20; and

**FURTHER RESOLVED**, the Town of Big Flats Planning Board accepts the Feb 28 Hunt Engineer review letter as finding of fact and grants preliminary site plan approval with the following conditions:

- SWPP review and approval
- SEQR
- County Review
- Big Flats Water/DPW approval
- Address Hunt review letter

CARRIED: AYES: Muir, Masler, Ormiston, Piersimoni, Esty, Byland, Seely

NAYS: None

Dated: Tues March 6, 2012

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

### MEMBERS COMMENTS

There will be a presentation by Caterpillar at the March 14, 2012 Town Board Meeting at 4:30pm.

**Motion by Seely, seconded by Piersimoni, to adjourn at 7:44pm, Discussion, None, Motion Carries 6-0.**

**Meeting adjourned at 7:45pm.**



